

SO ORDERED.



Dated: July 22, 2010

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REDFIELD T. BAUM, SR
U.S. Bankruptcy Judge

7 IN THE UNITED STATES BANKRUPTCY COURT
8 FOR THE DISTRICT OF ARIZONA

9 In Re:

10 ANDREW C BAILEY,

11 Debtor.

12 ANDREW C. BAILEY,

13 Plaintiff,

14 v.

15 WELLS FARGO BANK NA ET AL.,

16 Defendants.

Proceedings Under Chapter 11

Case No. 2:09-bk-06979-RTBP

Adversary Case No. 2:09-ap-01731-RTBP

**ORDER GRANTING DEFENDANTS
WELLS FARGO BANK, N.A. AND
LEHMAN BROTHERS BANK, FSB'S
MOTION TO DISMISS SECOND
AMENDED COMPLAINT FOR LACK
OF STANDING, BREACH OF
CONTRACT, DAMAGES FOR FRAUD,
QUIET TITLE, EMERGENCY
INJUNCTIVE RELIEF**

18 Upon consideration of that certain *Defendants Wells Fargo Bank, N.A. and Lehman*
19 *Brothers Bank, FSB's Motion to Dismiss Second Amended Complaint for Lack of Standing,*
20 *Breach of Contract, Damages for Fraud, Quiet Title, Emergency Injunctive Relief* (the "Motion to
21 Dismiss", D.E. 39) filed by Defendants, Wells Fargo, N.A. and Lehman Brothers Bank, FSB (the
22 "Defendants") wherein Defendants requested that this Court dismiss with prejudice the second
23 amended complaint (the "Second Amended Complaint", D.E. 32) filed by Plaintiff, Andrew C.
24 Bailey (the "Plaintiff"), the response to the Motion to Dismiss filed by Plaintiff [D.E. 42], the
25 hearing on the Motion to Dismiss held on June 30, 2010, the pleadings and paper on file in this
26

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1 case, and good cause appearing therefor:

2 The Court hereby finds that the Second Amended Complaint fails to state a claim upon
3 which relief can be granted. Accordingly:

4 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that:

- 5 A. The Motion to Dismiss is hereby GRANTED in its entirety;
6 B. The Second Amended Complaint is hereby dismissed with prejudice; and
7 C. The Clerk of the Court is directed to close this adversary proceeding with
8 prejudice.

9 **DATED AND SIGNED ABOVE**

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CERTIFICATE OF NOTICE

District/off: 0970-2
Case: 09-01731

User: tayloro
Form ID: pdf005

Page 1 of 1
Total Noticed: 6

Date Rcvd: Jul 23, 2010

The following entities were noticed by first class mail on Jul 25, 2010.
aty +KEVIN PATRICK NELSON, TIFFANY & BOSCO PA, 2525 E CAMELBACK RD 3RD FL,
PHOENIX, AZ 85016-9239
aty +LEONARD J. MCDONALD, JR., TIFFANY & BOSCO, P.A., 2525 E CAMELBACK RD 3RD FLOOR,
PHOENIX, AZ 85016-9239
aty +MARK 2 BOSCO, TIFFANY & BOSCO, P.A., 2525 EAST CAMELBACK ROAD, SUITE 300,
PHOENIX, AZ 85016-9240
aty +MARK 3 BOSCO, TIFFANY & BOSCO, P.A., 2525 EAST CAMELBACK ROAD, SUITE 300,
PHOENIX, AZ 85016-9240
ust +U.S. TRUSTEE, OFFICE OF THE U.S. TRUSTEE, 230 NORTH FIRST AVENUE, SUITE 204,
PHOENIX, AZ 85003-1725
pla +ANDREW C. BAILEY, 2500 N PAGE SPRINGS RD, CORNVLLE, AZ 86325-6122

The following entities were noticed by electronic transmission.

NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

dft FIRST AMERICAN TITLE INSURANCE CO
dft JOHN DOES "1-1000"
dft LEHMAN BROTHERS BANK FSB
dft WELLS FARGO BANK NA

TOTALS: 4, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 25, 2010

Signature:

